

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

CRIMINAL NO. 10-20123

Plaintiff,

HONORABLE VICTORIA A. ROBERTS

vs.

D-1 DAVID BRIAN STONE,
D-2 DAVID BRIAN STONE, Jr.,
D-3 JOSHUA MATTHEW STONE,
D-4 TINA MAE STONE,
D-5 JOSHUA JOHN CLOUGH,
D-6 MICHAEL DAVID MEEKS,
D-7 THOMAS WILLIAM PIATEK,
D-8 KRISTOPHER T. SICKLES, and
D-9 JACOB J. WARD,

Defendants.

MOTION FOR STAY OF ORDER GRANTING DEFENDANTS'
MOTIONS FOR REVOCATION OF DETENTION ORDERS,
AND BRIEF IN SUPPORT THEREOF

NOW COMES the United States, and for its Motion for Stay of Order Granting Defendants'
Motions for Revocation of Detention Orders, states:

1. On May 3, 2010, this Court entered an order granting all nine defendants' motions
for Revocation of Detention Orders.

2. The order to release the defendants came over the government's objections, based
on the government's argument that the defendants posed a risk of flight and danger to the
community if released.

3. The government is in the process of seeking authorization from the Solicitor General
to appeal this Court's order granting all nine defendants' motions for Revocation of Detention
Orders. However, the Solicitor General will be unable to properly review the materials necessary

to authorize appeal prior to defendants' scheduled release on May 4, 2010. In addition, upon the Solicitor General's authorization of appeal, the Sixth Circuit will need an opportunity to consider the merits of the government's appeal.

4. The evidence presented to this Court at the detention hearing included recordings in which many of the defendants expressly discussed killing a police officer in the line-of-duty and then bombing a police officer's funeral as a means of killing numerous law enforcement officers; such discussions form a portion of the basis for the charge of Attempted Use of Weapons of Mass Destruction, in violation of 18 U.S.C. § 2332a(a)(2), as alleged in Count Two of the Indictment. On May 3, 2010, a Detroit Police Officer was killed in the line of duty; thus, there will be a police funeral in the near future. Given the defendants' obvious animosity toward police officers, and their previous discussions regarding their intent to bomb a police funeral, this fact presents additional reasonable basis for the requested stay.

5. Federal Rule of Appellate Procedure 8(a)(1)(A) provides in relevant part that "A party must ordinarily move first in the district court for the following relief: a stay of the judgment or order of a district court pending appeal."

WHEREFORE, the United States prays that this Court stay its release order pending the later of the Sixth Circuit's decision on the merits, or the expiration of the government's appeal period.¹

Respectfully submitted,

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Dated: May 3, 2010

¹Should the Solicitor General decide against appeal, the government will promptly notify the Court and parties of that fact.